

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tatsuya Kato et al.
 Application No. : 10/501,435
 Confirmation No. : 7431
 Filed : July 13, 2004
 For : METHOD OF RECORDING INFORMATION TO AN OPTICAL
 RECORDING MEDIUM, OPTICAL RECORDING MEDIUM AND
 INFORMATION RECORDING AND REPRODUCING
 APPARATUS

Examiner : Gautam Patel
 Art Unit : 2627
 Docket No. : 890050.485USPC
 Date : February 2, 2007

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents:

In response to the Restriction Requirement dated January 4, 2007, applicants hereby elect Figures 1-4 and 6-11 for examination at this time.

Consideration of the elected figures and corresponding claims is now requested.

In the Restriction Requirement the Examiner requested that an election of species figures be made and gave three choices. These choices were Figures 1 and 9; Figures 1 and 10; and Figures 1 and 11. The Examiner listed these as three different embodiments.

Applicants believe that the Examiner's description of the separate species is incorrect. In the specification, Figures 5 and 10 are described as different embodiments of the invention. Namely, on page 11, Figure 5 is described as a diagram for a recording strategy and Figure 10 is described as a diagram for a recording strategy according to another preferred embodiment. On the other hand, Figure 9 is a graph showing the results of the invention and could apply to Figure 10. Thus, the distinction between Figures 9 and 10 is inappropriate. Instead, if a distinction were to have been made, it should have been made between Figure 5 and the other figures of the invention. In Figure 5, all recording pulses have the same power. On the

other hand, in Figure 10, and in the other figures of the invention, some of the recording pulses have lower power than other of the pulses.

Applicants also note that all claims now pending in the present application are directed towards embodiments other than Figure 5. All claims specify that there is a top pulse and a last pulse in forming a recording mark and that the power of the top pulse and the last pulse are different from each other. The various claims specify certain distinctions of the power of the recording pulses which include Figure 10 as well as many of the other figures.

Since all claims fall within the elected species, applicants believe that the election of species should be withdrawn. All claims are generic to the Examiner's species election request to Figure 10.

In conclusion, applicants traverse the election of species and believe that it is inappropriate in the present case and should be withdrawn. Since an election is required, applicants hereby elect the second embodiment, namely Figure 10, and with it, the other figures which are part of this same embodiment, namely Figures 1-4 and 6-11.

Respectfully submitted,
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